

**Chadds Ford Township Board of Supervisors Meeting
August 4, 2004
M I N U T E S**

OFFICIALS PRESENT: George M. Thorpe, Chairman
Deborah Love D'Elia, Vice Chairman
Garry Paul, Member
Hugh A. Donaghue, Township Solicitor
James C. Kelly, Township Engineer
Richard J. Jensen, Building Inspector, CEO
Maryann D. Furlong, Secretary/Treasurer

CALL TO ORDER

Mr. Thorpe called the meeting to order at 7:30 PM. The Pledge of Allegiance was recited and Mr. Thorpe pointed out the building exits.

PUBLIC COMMENT – CHADDS FORD RESIDENTS

There was no public comment, however, Mr. Thorpe announced that an anonymous call had been received regarding the condition of the edge of Marshall Road near Route 202. The Chairman stated that the Township is aware of the situation.

STATE POLICE REPORT

Patrol Supervisor Sergeant Tony Sivo of the Media Barracks, Pennsylvania State Police, presented an incident report for the month of July. There were 33 alarms; 2 other disturbances; 2 other domestic disturbances; 1 animal on roadway; 3 criminal mischief; 2 traffic violations-DUI, and 1 collision-DUI. Mr. Thorpe asked if there are any criminal trends that residents should be aware of, such as the recent problems in Radley Run, Birmingham Township. Sergeant Sivo replied that there had been some car break-ins along Route 202 in Concord Township and further advised that all residents should lock their cars whether in the driveway or in a public parking lot. He also asked that any crimes be reported immediately to the State Police to aid in investigation efforts.

APPROVAL OF MINUTES – June 2, 2004

Minutes of the June 2, 2004 meeting of the Board of Supervisors had been circulated for review and comment. Revisions had been made to the original draft.

MOTION TO APPROVE BOARD OF SUPERVISOR MINUTES OF June 2, 2004

Upon motion and second (D'Elia, Thorpe), Mr. Thorpe and Mrs. Love D'Elia approved the minutes of June 2, 2004, draft of 8/4/04.

APPROVAL OF MINUTES – July 1, 2004

Minutes of the July 1, 2004 meeting of the Board of Supervisors had been circulated for review and comment. No revisions had been made to the original draft.

MOTION TO APPROVE BOARD OF SUPERVISOR MINUTES OF July 1, 2004

Upon motion and second (D'Elia, Paul), Mrs. Love D'Elia and Mr. Paul approved

the minutes of July 1, 2004, draft of 8/4/04.

REPORTS

SUPERVISORS' REPORT

Mr. Thorpe reported that two or more Supervisors had been in attendance at the following meetings:

- On July 20, 2004, Mrs. Love D'Elia and Mr. Thorpe had met with Toll Brothers representatives to review proposed sign changes for the Camp Sunset Hill subdivision;
- On August 2, 2004, Mrs. Love D'Elia, Garry Paul and Mr. Thorpe had met with Jim Kelly regarding the proposed Capano development on Ridge Road;
- Ms. Love D'Elia, Mr. Paul, Mr. Thorpe, Vince DelRossi and Jim Murray of the Sewer Authority had met on that same matter regarding the sewage aspect, and
- On August 3, 2004, Mr. Paul and Mr. Thorpe met with Jim Kelly for a quick response to a number of issues regarding a plan presented to DEP concerning the Ravens Crest/Ridge Road sewer extension.

TREASURER'S REPORT

Mrs. Furlong reported the following figures as of July 31, 2004:

Total all deposits to General Fund:	\$ 70,272.43
Total disbursements General Fund:	\$ 82,777.07
Total disbursements Escrow Account	\$ 21,633.45
Cash Account Balance	\$ 1,010,250.07

Mr. Thorpe added that the \$15,000 check to the Sewer Authority was a "pass through" for monies that had been procured from PennDOT for expenses beyond the original scope of work for the Ridge Road sewer extension. Also, one additional bill had been presented for payment to Andrea M. Teti, Inc. for an environmental study at Turner's Mill in the amount of \$8,900.00.

MOTION TO APPROVE TREASURER'S REPORT

Upon motion and second (Paul, D'Elia), the Supervisors unanimously voted to approve the Treasurer's Report for July, 2004, and authorized payment of bills in the amount of \$91,677.07, as listed in the Disbursement Report and the payment to Andrea M. Teti, Inc.

ROADMASTER'S REPORT

Mrs. Love D'Elia stated that the Board had today received and accepted a resignation letter from Roadmaster Phil Wenrich effective August 4, 2004. Joseph Barakat, who had been appointed Assistant Roadmaster in July, will be assuming the role of Roadmaster within the next few months. In the interim, Mrs. Love D'Elia asked residents to contact one of the Supervisors with any questions or comments regarding the roadways. The Vice Chairman thanked Mr. Wenrich for his seven months of service as Roadmaster.

PLANNING COMMISSION

Mr. Taylor presented the Planning Commission report for the meeting of Wednesday, July 14, 2004. A full copy is attached and made part of these minutes.

ZONING HEARING BOARD

Mr. Wandersee was unable to be present. Ms. Love D'Elia presented the Zoning Hearing Board report for the meeting of July 21, 2004. A full copy of that report follows.

Mr. Reiter questioned the need for a variance for the Toll Brothers proposed sign on Henderson Lots 10 and 11, which are currently vacant. Mr. Jensen replied that a preapproved land development plan existed and that construction of a sign could put that in jeopardy. Toll Brothers and The Henderson Group had been co-applicants in the request.

HARB

Mr. Jensen stated that no applications had been heard during the month of July.

SEWER AUTHORITY

Mr. Murray presented the Sewer Authority report for the month of July, 2004, a copy of which follows. There was discussion as to the various methods of sewage treatment being suggested by the Sewer Authority for the treatment plant to be constructed on the Turner's Mill site. Mr. Murray read a prepared comment on the recharge of groundwater pertaining to the Village area (see Sewer Authority report). Mr. Paul questioned Mr. Murray on the effect of recent rains on the daily average flow and if any I and I problems still exist. Mr. Murray replied that it takes about three days for the figure to drop. The Sewer Authority will also be mailing additional educational information letters to residents with the upcoming September invoices.

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER

Mr. Jensen presented his report for the month of July as to the number of permits and Certificates of Occupancy that had been issued. A written report and fee checks had been submitted to the Board. Mr. Jensen also reported on documents that had been received from John Milner, AIA, Kelly Engineers, and other contractors regarding the Turner's Mill project. It is expected that a land development application may be ready for submission in August.

TOWNSHIP ENGINEER

Mr. Kelly presented the Engineer's Report dated August 4, 2004, a copy follows. At Mr. Kelly's suggested the Board approve a second security improvement escrow release for the Cornerstone development on Webb Road.

MOTION TO APPROVE SECOND SECURITY IMPROVEMENT ESCROW RELEASE – CORNERSTONE

Upon motion and second (D'Elia, Paul) the Board of Supervisors approved the

second release of \$2,151.90 from the improvement security escrow account for the Cornerstone development on Webb Road.

OPEN SPACE COMMITTEE

Committee member Kathleen Goodier was presented the Open Space July report for Chairman Debbie Reardon. A full copy of the report follows.

TOWNSHIP PROPERTIES COMMITTEE

Mr. Thorpe reported that no meeting had been held during the month of July. The Township had received the completed sign for Archie's Corner and Mr. Jensen was in the process of constructing a frame and installing the sign on the site. Mr. Thorpe suggested that a ceremony be scheduled for Thursday, August 12th at 10:00 AM for the official dedication. Details will follow.

Mr. Thorpe also stated that both site and HVAC plans have been received for the Turner's Mill project, however, the Township is two weeks behind schedule. Mr. Murray and Mr. Jensen discussed drainage pipes on the site.

Mr. Prabel questioned whether or not the Board members needed to formally approve the Turner's Mill project. Mr. Donaghue replied that such approval was premature pending the awarding of contracts and financing.

FINANCIAL ADVISORY BOARD

Mrs. Love D'Elia reported that the Financial Advisory Board had met on Thursday, July 8, 2004, at the Township Hall. There were three major topics of discussion:

- Impact Fee Study – work is ongoing;
- Overall billing practices of consultants, specifically billing narratives, fee projections for Township work and information necessary prior to Township approval of bills, and
- Fee projections for the Camp Sunset Hill project.

J P Kelly had been present to discuss various topics, including fee projections for Toll Brothers. The same information will be requested from the Sewer Authority's engineer and all will be reviewed by the Supervisors. A draft is expected to be available by the September Board meeting. Mr. Thorpe added that the Toll projections are being made in an effort to prevent duplication of effort between the Township engineer and the Sewer Authority engineer.

RACHEL KOHL COMMUNITY LIBRARY

Sandy Paul, Township representative to the Rachel Kohl Community Library, was present to announce that the Library is celebrating its 25th anniversary. Festivities begin with the Library sponsoring a Family Fun Day on Sunday, August 22nd, starting at 4:00 PM. A number of various activities will be offered, including train rides, volleyball, a disc jockey and two bands, the Concordville fire engine, face painting, food and a raffle for two Flyers tickets, two Eagles tickets and two Villanova basketball tickets. All are invited to attend.

SOLICITOR'S REPORT

Wawa at Route 202 and Dilworthtown Road Land Development Application

Mr. Donaghue stated that a representative of the law firm representing the proposed Wawa at Route 202 and Dilworthtown Road has presented a proposal for Board consideration. Chadds Ford Township had granted preliminary land development approval for the project in September, 2001. Wawa is now asking that they be permitted to install curb cuts prior to the expiration of a PennDOT highway permit in February, 2005. The applicant is further requesting the Board to approve final land development plans subject to approval of sewage plans, with no other building being permitted. Mr. Donaghue thought this a reasonable request, but suggested an escrow be established for the sewage work. Mr. Thorpe agreed and Mr. Donaghue will contact the applicant's agent to schedule a Board presentation in September or October.

Uniform Construction Code Appeals Board and Fees

Pursuant to the passage of the Uniform Construction Code, the Board must appoint an Appeals Board of three members who are Township residents, to be put in place within the next several months. Mr. Jensen suggested Gary Sharp, an architect and current member of the HARB Board. Mr. Donaghue also suggested that Mr. Jensen be authorized to revise the fee schedule to conform with the requirements of the Uniform Construction Code. Mr. Donaghue had prepared a resolution to allow Mr. Jensen to consult an outside source for code inspections. The Board so authorized Mr. Jensen to do so. Mr. Thorpe also mentioned the additional bookkeeping work that will be necessary with \$2.00 "pass through" fees payable to the Commonwealth.

Mr. Donaghue had prepared Resolution 2004-15 for Board consideration, authorizing Mr. Jensen to obtain primary and back up inspectors

Operation and Maintenance Agreements – Stonebrook I

Mr. Donaghue reported that the Township Secretary had received suggested Operation and Management agreements from Vollmer Associates for the four (4) lots at the Stonebrook I development. DEP was demanding that the agreements be submitted concurrently with the planning modules due to soil conditions. Mr. Donaghue suggested that the applicant sign the O and M agreements, the Township Secretary notarize his signature, then Mr. Thorpe sign on behalf of the Township.

Brandywine Conservancy – 6 Station Way Road Parking Issue

Mr. Donaghue stated that off site parking will not satisfy Township zoning ordinances for the Brandywine Conservancy's property at 6 Station Way Road and suggested that if the Conservancy wishes to proceed with a use that will require additional parking, they will need to apply to the Zoning Hearing Board for relief. Mr. Donaghue further stated that the Conservancy should decide what the use will be for the property. If that use is anything other than residential, the applicant must abide by the code. Mr. Paul questioned whether the Conservancy can retain the right for residential use. Mr. Donaghue said that any use other than residential for a period of more than six months would have the effect of abandoning the former use.

Mrs. Love D'Elia confirmed with Mr. Jensen that he will be able to update the fee schedule and complete other necessary work for presentation at the September Board

meeting.

MOTION TO APPROVE RESOLUTION 2004-15 – APPOINTING CODE INSPECTIONS, Inc.

Upon motion and second (Paul, D'Elia) the Board of Supervisors appointed Code Inspections, Inc., as the Township's agent to conduct inspections as required by the Uniform Construction Code from the period beginning July 1, 2004 through January 1, 2005.

OLD BUSINESS

There was no old business for discussion.

NEW BUSINESS

STONEBROOK I and II PRELIMINARY/FINAL SUBDIVISION/LAND DEVELOPMENT APPLICATION

John Fellows, of Vollmer Associates, appeared before the Board members to review outstanding comments of Kelly Engineers regarding the proposed Stonebrook I and Stonebrook II developments on Atwater Road. Stonebrook I is a suggested subdivision of an 8.08 acre parcel into three (3) lots. Stonebrook II proposes subdivision of a 9.92 acre property into four (4) lots. All homes will be serviced with onsite disposal systems and well water supply. Mr. Fellows reviewed Kelly Engineering's comments and his responses. Mr. Fellows asked Board members to approve both applications.

Mr. Thorpe made two comments, the first concerning the Township taking dedication of another road and the second concerning plans for snow removal for Stonebrook II. Discussion ensued as to possible locations for snow removal and mailbox placement, with Mrs. Love D'Elia asking if the mailboxes are to be banked or on site. It was agreed that an area will be delineated for snow piling on the plans, subject to approval by the Township Engineer.

Mr. Thorpe asked for comments from the other Supervisors regarding accepting dedication of another road and also suggested that the proposed construction will deteriorate the present roadway. Mr. Fellows agreed to maintain the roadway for fifty feet within the area of the "bubble." Mr. Kelly proposed that the current roadway be photographed at the area of transition for future reference and will make the necessary adjustments to the improvement cost estimates. Board members agreed to accept dedication of the roadway.

Mr. Thorpe further questioned the ability for fire engines to turn in the proposed cul-de-sac. Mr. Fellows responded that software programs had indicated that Concordville Fire Company's largest truck would be able make the turn.

Mr. Reiter questioned the granting of subdivision approval with many outstanding conditions. Mr. Kelly and Mr. Donaghue responded stating that some conditions, such as DEP planning module approval, can not delay subdivision approval.

MOTION TO APPROVE RESOLUTION 2004-16 - PRELIMINARY/FINAL LAND DEVELOPMENT APPLICATION FOR STONEBROOK I

Upon motion and second (Paul, D'Elia), the Board of Supervisors voted to approve the preliminary/final land development application for Stonebrook I subject to the eight

conditions and thirteen waivers as fully set forth in the Resolution.

The applicant, Mr. McLaughlin, was present and agreed to accept those conditions.

MOTION TO APPROVE RESOLUTION 2004-17 - PRELIMINARY/FINAL LAND DEVELOPMENT APPLICATION FOR STONEBROOK II

Upon motion and second (D'Elia, Paul), the Board of Supervisors voted to grant approval of the land development plan for Stonebrook II subject to the eight conditions and one waiver as fully set forth in the Resolution.

The applicant, Mr. McLaughlin, was present and agreed to accept those conditions.

LAWRIE TRACT ZONING CHANGE PROPOSAL

Ross Unruh, Esquire and Matthew Houtman, of Houtman Engineers, were present for an informal presentation of a sketch plan proposing a zoning map change from R-2 to R-1 for an approximately sixteen acres portion of the thirty-one acre property known as the Lawrie tract. The adjoining Concord Township portion of tract is zoned commercial. Mr. Houtmann briefly reviewed the sketch plan, stating that the merits for changing the zoning to all R-2 would be to provide a transition from intense commercial use to less intense use; for continuity of design, and further stated that only three homes in the Ridings development would be directly impacted by such a change. Mr. Houtmann answered various questions from Mr. Donaghue, Mr. Kelly and Board members regarding lot sizes, buffering and the degree of slopes in the area.

Mr. Thorpe commented that he would be interested in seeing plans for a development under R-1 zoning. Ms. Love D'Elia stated that any increase in density would most likely be opposed for the sake of one or two additional lots as suggested in the sketch plan. All Board members questioned the possible impact on Ridge Road. Mr. Thorpe said that the applicant's reasons for the requested relief have to be overwhelming in order for the Board to consider a zoning change that would then set a precedence for future relief. Board members requested that the applicant notify all adjoining landowners and neighbors of the proposal. Mr. Unruh said that they would meet with residents of the Ridings to review proposed plans and asked to be placed on the agenda for the September Board meeting.

MOTION TO ISSUE A CERTIFICATE OF TOTAL COMPLETION – WAWA AT OAKLAND ROAD

Upon motion and second (D'Elia, Paul) the Board of Supervisors approved the certificate of completion and the release of the letter of credit in the amount o \$160,000.

MOTION TO RELEASE LAND DEVELOPMENT ESCROW – WAWA AT OAKLAND ROAD

Upon motion and second (D'Elia, Paul) the Board of Supervisors approved the release of the land development application escrow in the amount o \$4,000.

MOTIONS TO RELEASE ESCROWS

Upon motion and second (D'Elia, Paul) the Board of Supervisors approved the release of the escrows as follows subject to payment of all outstanding bills:

Applicant:

Type of Escrow:

Amount:

Wenrich	Subdivision Applctn	\$ 1,209.81
Lindry, Inc. (Cornerstone)	Improvement Security	\$ 2,151.90
Pebbles Pools (Maxell)	Grading	\$ 817.51
New Horizons Fellowship	ZHB Special Exception	\$ 723.74
DiMichele	ZHB	\$ 395.98
Berlin Construction	Grading	\$ 700.00
Blanton Custom Homes	Grading	\$ 813.63

ADOPTION OF ORDINANCE 104 – STORMWATER MANAGEMENT PLAN OF CHADDS FORD TOWNSHIP

A public hearing had been conducted just prior to this evening's Board meeting for comments on proposed Ordinance 104. Mr. Thorpe asked for comments. Neither Mr. Paul nor Mrs. Love D'Elia had any opposition. Mr. Jensen noted that it would be necessary to strike "66A" from the signature page. Such was done.

MOTION TO ADOPT ORDINANCE 104 – STORMWATER MANAGEMENT PLAN OF CHADDS FORD TOWNSHIP

Upon motion and second (Paul, D'Elia), the Board of Supervisors unanimously adopted Ordinance 104, establishing a township wide stormwater management plan, regarding runoff quality, quantity and the design of attenuation facilities, and rescinding Ordinance 65, Sections 510 and 511, and Ordinance 66..

EMERGENCY INFORMATION

Mrs. Love D'Elia announced that information had been received from Delaware County Emergency Services regarding financial assistance for damage caused by the Sunday thunderstorms and subsequent flooding of several weeks ago. Anyone interested in learning more should contact Sharon Wenrich, Township Emergency Management Coordinator.

ZONING HEARING BOARD APPLICATION – OMNIPOINT COMMUNICATIONS

Mr. Donaghue asked the Supervisors if they would want someone from his office to attend the Zoning Hearing Board meeting on August 18, 2004, to oppose the application of Omnipoint Communications for the construction of a cell tower on Dr. Gray's property. All members of the Board were opposed to the application since the request was for a tower outside of the district zoned for same, thus a representative from the solicitor's office will attend the meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:05 PM.

Respectfully submitted,

MARYANN D. FURLONG,
Township Secretary

